

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

PATRICK KEVIN MISHALL,

Petitioner,

v.

Case No. 07-14080
Honorable Thomas L. Ludington

MILLICENT WARREN,

Respondent.

**ORDER DENYING PETITIONER'S MOTION
TO EXTEND HIS LEGAL ASSISTANCE AGREEMENT
OR FOR APPOINTMENT OF COUNSEL**

Petitioner Patrick Kevin Mishall, presently confined at the Thumb Correctional Facility in Lapeer, Michigan, has filed a pro se application for the writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has been convicted of first-degree murder, armed robbery, and two counts of felony firearm. He received a life sentence for the murder and armed robbery convictions and a two year sentence for the felony firearm convictions. Petitioner alleges that the evidence adduced at trial was insufficient to support his convictions.

Currently pending before the Court is Petitioner's motion to extend his legal assistance agreement with a fellow inmate until the conclusion of this case. Alternatively, he seeks appointment of counsel.

Petitioner has no right to legal advice from another prisoner, *see Shaw v. Murphy*, 532 U.S. 223, 230 (2001), or appointment of counsel on habeas review, *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Cobas v. Burgess*, 306 F.3d 441, 444 (6th Cir. 2002) (citing *McCleskey v. Zant*, 499 U.S. 467, 495 (1991)). Furthermore, neither discovery nor an evidentiary hearing are necessary, and

the interests of justice do not require appointment of counsel. 18 U.S.C. § 3006A(a)(2)(B).

Accordingly, it is **ORDERED** that Petitioner's motion to extend his legal assistance agreement or, in the alternative, for appointment of counsel [Dkt. # 6] is **DENIED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 12, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 12, 2008.

s/Tracy A. Jacobs
TRACY A. JACOBS